



Home Office

Criminal casework – considering cases for section 4 bail accommodation

This guidance is based on agreed working practices across different agencies

Considering cases for section 4 bail accommodation

About this guidance

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>These instructions tell criminal casework (CC) case owners about dealing with cases where section 4 accommodation may be appropriate.</p> <p>Section 4(1)(c) of the Immigration and Asylum Act 1999 gives the Secretary of State the power to provide accommodation to a person, released on bail, under any provision of the immigration acts. In CC, section 4 accommodation is likely to be used for foreign national offenders (FNO) who successfully apply for bail but have no suitable bail address to live at. The provision of section 4(1)(c) accommodation is not restricted to asylum seekers or failed asylum seekers.</p> <p>These instructions set out the process to use to assess if a CC case is suitable for section 4 accommodation. There are two types of accommodation – initial and dispersal. Both types house a wide range of individuals, including families.</p> <p>When you consider if a CC case is suitable for section 4 accommodation you must take into account the risk the FNO may pose to the accommodation provider, other accommodation users and the general public.</p> <p>High risk cases and FNOs subject to Multi Agency Public Protection Arrangements (MAPPA) may be more difficult to accommodate, as the range of suitable accommodation for these individuals is more restricted and therefore provision of accommodation for these subjects may take longer to arrange.</p> <p>This guidance must be used with the section 4 bail accommodation asylum instructions in the related link: Section 4 bail accommodation.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p>	<p>In this section Changes to this guidance Contact Information owner</p> <p>Links to staff intranet removed</p>
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	<p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	
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Changes to this guidance

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>This page lists the changes to the considering cases for section 4 bail accommodation guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="488 411 824 451">Date of the change</th> <th data-bbox="824 411 1529 451">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 451 824 643">03 December 2013</td> <td data-bbox="824 451 1529 643"> Six month review by the modernised guidance team: <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. </td> </tr> <tr> <td data-bbox="488 643 824 1018">12 June 2013</td> <td data-bbox="824 643 1529 1018"> Six month review by the modernised guidance team: <ul style="list-style-type: none"> • Information about the current accommodation provider: <ul style="list-style-type: none"> ○ third paragraph, first sentence has been amended • Minor housekeeping changes. </td> </tr> <tr> <td data-bbox="488 1018 824 1129">19 December 2012</td> <td data-bbox="824 1018 1529 1129">Revised and modernised by the criminal casework process team (CCPT) and the modernised guidance team.</td> </tr> </tbody> </table>	Date of the change	Details of the change	03 December 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"> • Minor housekeeping and plain English changes. 	12 June 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"> • Information about the current accommodation provider: <ul style="list-style-type: none"> ○ third paragraph, first sentence has been amended • Minor housekeeping changes. 	19 December 2012	Revised and modernised by the criminal casework process team (CCPT) and the modernised guidance team.	<p>Related links</p> <p>See also Contact Information owner</p>
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Section 4 applications

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This page tells criminal casework (CC) case owners about applications for section 4 bail accommodation.

To apply for bail a foreign national offender (FNO) must give an address to be granted bail to live at. Not all FNOs applying for bail require section 4 accommodation addresses, but where a bail application is made and there is no bail address given on the prison licence, the FNO must be asked to complete a section 4 application form. To download a copy of the form, see related link: Application for bail address and support.

The FNO must send the form to the CC section 4 bail accommodation team. The FNO must fax the form to the section 4 bail team on 0208 196 0106.

The section 4(1)(c) team in Croydon:

- receive applications for section 4 bail support under section 4(1)(c), and
- make decisions on these applications.

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Consideration for accommodation

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- has a conviction for violent, sexual or serious drug offences (excluding minor possession).

This list is not exhaustive and suitability must be considered on a case by case basis.

Where IA is assessed as unsuitable, you must consider standard dispersal accommodation.

Standard dispersal accommodation

An offender in IA will be moved to standard dispersal accommodation (SDA) under target contracts. Where IA is judged to be unsuitable for an offender SDA may be offered to the offender as a provisional bail address to allow a bail application to be considered.

SDA is primarily located in high density, urban residential areas close to all amenities. It is mostly provided in the form of housing of multiple occupation (HMO) accommodation which includes a mixture of bed-sits, self contained accommodation and maisonettes which house single people, couples and single parents with one child. Family accommodation can be provided and includes larger maisonettes and houses. Single adult males released on bail to SDA do not share accommodation with families or women.

Single adult females released on bail to SDA do not share accommodation with men, but they may be housed in the same accommodation as single mothers with children unless this is prohibited in the accommodation request made to the accommodation provider. Where you identify an adult female who may pose a risk to children, this type of accommodation is not suitable.

Where an offender is in SDA they may come into contact with families in shared access areas such as hallways or landings. Where this is not an acceptable arrangement due to risk single occupancy accommodation can be identified, as an exception, however the number of readily available properties of this type is very limited.

SDA is not specifically designed for offenders with serious criminal convictions who are granted bail. Although there is some flexibility in the type of accommodation offered, accommodation providers source the accommodation from their existing available stock.

Where both IA and SDA accommodation is considered to be unsuitable as bail accommodation for an offender, complex bail accommodation may be available.

Complex bail accommodation (CBA)

When an offender is assessed as unsuitable for IA and SDA they may be considered for CBA. These offenders are often MAPPA cases or high harm offenders.

The differences between SDA and CBA are that in CBA:

- There is increased liaison with local authorities to source appropriate accommodation for the offender's individual circumstances.
- The accommodation provider has staff who have received specialist training in risk awareness who will have contact with offenders in this type of accommodation.
- All visits undertaken by the staff of the accommodation provider are carried out by a minimum of two staff.

There is a very limited supply of CBA and this type of accommodation is more expensive than IA and SDA. They must provide full reasons why this accommodation is necessary when requested.

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The accommodation information form

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(NOMS) this must be sent with the information form to the section 4 bail team.

The type of accommodation provided will be based on the information in the form. Any incomplete forms sent to the section 4 bail team will be returned to you unactioned.

Where a form has been completed for an offender within the last six months, in response to a previous bail application, a new form is not normally needed and an update can be obtained by telephone from the offender manager. You must record details of the update in CID notes.

When the offender manager says there are no changes the previously completed form and NOMS1 must be returned to the section 4 bail team confirming there is no change in circumstances.

Where circumstances have changed the new form must be completed and you will need to get an updated NOMS1 and send it to the section 4 bail team.

Considering cases for section 4 bail accommodation

Assessing whether section 4 accommodation is necessary

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	two weeks the request will be cancelled.	
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Assessing the risk

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>This page tells criminal casework (CC) case owners how to assess the risk of an offender who has applied for section 4 bail accommodation.</p> <p>The National Offender Management Service (NOMS) is responsible for assessing the risk to the public from a detained offender. CC has an agreement with NOMS which covers risk assessments provided by offender managers. You must use a NOMS1 form for these requests. A copy of the NOMS1 can found in the related link: Request for offender management information on a foreign national prisoner.</p> <p>You must check the prison licence, which should be held on the Home Office file, to find out the name of the community based offender management unit and contact the offender manager. If a licence has not been generated, you must contact the prison based offender management unit to identify the responsible community based offender manager.</p> <p>Once the offender manager has been identified, and contact has been made, you must send the NOMS1 to them to complete, with a clear indication of the date and time that the reply is needed by.</p> <p>You must ask the offender manager to comment on the suitability of the offender for accommodation in both initial and dispersal accommodation because it may be possible to accommodate an offender in dispersal accommodation where initial accommodation is not suitable. Where an offender is assessed by the offender manager as unsuitable for both initial and dispersal accommodation, and is not eligible for a place in NOMS approved premises they may be suitable for complex bail accommodation (CBA).</p> <p>Places in CBA are extremely limited and if the offender manager advises that this accommodation is necessary, you must give the full reasons for this decision on the form. A stock letter is available on CID for this purpose - the ICD.4452.</p> <p>The offender manager must be asked to respond to the request for the NOMS1 within three</p>	<p>Links to staff intranet removed</p>
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working days.

In cases where a risk assessment has been obtained from NOMS within the last six months you must contact the offender manager by telephone for an update and record the details of the update in CID notes. It is only necessary to request a new NOMS1 within the last six months where there has been a significant change of circumstances. You must ask the offender manager if a visit to the offender or the property is to be conducted as part of their assessment. This must be recorded on CID and noted on the form.

Cases where there is incomplete or insufficient information on the NOMS1

It is essential that the NOMS1 is fully and accurately completed so suitability of accommodation applications can be fully assessed.

Where the NOMS1 has not been fully completed by the offender manager you must contact the offender manager by telephone to request further information. Where information still cannot be obtained you must contact the offender manager's line manager, who is usually a senior probation officer. If this does not resolve the situation you must contact the NOMS single point of contact (SPOC) for the relevant probation trust. Details of this can be found in the related link: Probation trusts single point of contact (SPOC) list

Cases where there is no licence on file

Where there is no copy of the licence held on the Home Office file you must contact the relevant prison to find out if a licence was produced, and if so, request a copy. Licences should be generated by prisons and young offender institutions where a sentence of 12 months or more has been given. Offenders aged over 18 and under 22 must be supervised on licence regardless of the length of the prison sentence, and these cases must be checked individually.

Cases where the offender is no longer on licence

Occasionally CC may request a NOMS1 for an offender whose licence has expired. In these cases NOMS will provide an assessment based on information available to them.

Cases where an offender has not been on licence

Where an offender is aged 22 and over, and has received a sentence of less than 12

months, the probation service have no duty to supervise the offender following their release from custody. As a result of this, no licence will be issued and no offender manager will be appointed. NOMS are only able to carry out a meaningful risk assessment in these cases where a pre-sentence report exists. In these cases either the prison based offender management unit or the NOMS SPOC for the relevant probation trust will be able to confirm if a pre-sentence report was prepared or if there has been a previous conviction resulting in a community order.

Cases where a pre-sentence report was prepared

Where a pre-sentence report was prepared previously, the offender manager who prepared the report should be able to provide risk information. A NOMS1 should be requested although the information available may be limited due to the type of report completed. An OASys report should have been prepared with the pre-sentence report, but the depth of any information that the offender manager could take from that would depend on whether it was a full standard report, a fast delivery same-day report or a verbal report.

Where the NOMS report cannot be based on their OASys report, offender managers will try to provide other information on risk of harm and the likelihood of re-conviction, stating their sources.

Where the offender manager is unable to assist, you must approach the prison based offender management unit for information gained from any work undertaken in prison and from records of the offender's behaviour whilst serving their custodial sentence. There is no formal mechanism for sentence management of this group.

Cases where no risk information is available

Where offender managers advise they are unable to provide any risk information you must still complete the form in as much detail as possible, based on the information available. You can contact offender supervisors based in prison offender management units for any useful information they may have.

Relevant factors when considering accommodation are:

- the nature of the original offence

- details of any other offences, and
- records of behaviour in prison or detention.

Unless the offender is a Multi-Agency Public Protection Arrangements (MAPPA) case and/or has a history of sexual, violent or serious drug offences, it is likely that the individual will be suitable for section 4 accommodation.

Cases where there is difficulty getting other information

If you have difficulty getting a licence, you must contact the NOMS Offender Safety Rights and Responsibilities Group. In cases where the responsible offender manager and the offender management unit have been identified, but you have difficulties identifying a specific offender manager to obtain a risk assessment from, you must contact the relevant NOMS single point of contact (see related link: Probation trusts single point of contact (SPOC) list).

You must refer any problems that cannot be resolved as above to a team leader or the assistant director.

Restricted – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted – do not disclose – end of section

You must keep the section 4 caseworker informed of progress at each stage of the process.

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Completing the form

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This page tells you about the action criminal casework case owners must take to complete the form for section 4 bail accommodation.

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Cases where there is no history of violent, sexual or serious drug offences and no Multi-Agency Public Protection Arrangements (MAPPA)

In these cases, after obtaining information from the offender manager, you must:

- Look at the licence and any conditions attached to it.
- Check the Home Office file for any conditions which may affect where the offender is accommodated.
- Check CID for detention services and look for:
 - serious criminal activity
 - known violent behaviour
 - mental illness
 - risk to women and/or children.

Where the offender manager raises no concerns and case owner checks reveal no licence or detention services conditions, you can confirm the type of accommodation is suitable. In these cases it is likely that the offender will be accommodated.

Cases where an offender has committed a violent, sexual or serious drug offence and/or is managed under MAPPA and/or has licence arrangements which affect their accommodation

In all cases of this type, it is imperative that you get advice and the completed form from the offender manager.

Further guidance on dealing with MAPPA cases can be found in the related link: Multi agency public protection arrangements (MAPPA).

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Releasing to section 4(1)(c) accommodation

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This page tells criminal casework case owners what action to take when an offender is granted bail to live in section 4 accommodation.

You must note where an offender is granted bail to live in accommodation provided under section 4(1)(c) arrangements need to be put in place for their arrival at their new address.

Restricted – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted – do not disclose – end of section

You must provide an expected time of release and, where possible, any contact details of the offender. The section 4 bail team will then notify the accommodation provider.

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Cases dealt with by criminal casework section 4 team in Liverpool

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review entered on ASYS using tab 9.

When an accommodation request is refused the team notify the applicant, their representative and the property provider.

Processing appeal bundles

Where the Immigration and Asylum Chamber (IAC) inform CC an appeal has been lodged against a refusal, the team prepare the appeal bundle, and address any directions sent from the judge. The bundle is uploaded to the collaborative business portal and uploaded on ASYS and sent to the appellant and their representatives. The team then wait for details of the final outcome from the IAC.

Ending section 4 and section 95 support

In refusal cases where there is no appeal, and cases where an appeal fails, the team arrange for section 4 and section 95 support to end. The team arrange for the property to be withdrawn and for the Azure cash card to be cancelled. This is also arranged in cases where there is a:

- voluntary departure
- deportation or removal
- a grant of discretionary leave or humanitarian protection (support is withdrawn in these cases, as the applicant can access full mainstream benefits).

In cases of non-compliance the team can consider withdrawal of section 4 accommodation.

Reviewing section 4 cases

The team review section 4 asylum and bail cases around every three months. They make sure the offender is still on bail, lives at the appropriate address and meets the criteria for the support.

The commercial and operational managers procuring asylum support services (COMPASS) transition project

The team have been assisting with the COMPASS project and a revised form has been devised for use over the transition period where offenders may be moved from one premises

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Travelling expenses to reporting centres

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Information about the current accommodation provider

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section 4 team will then consider if the proposed accommodation is suitable for the FNO, and if so, authorise the move. The team will also arrange for electronic monitoring equipment to be moved and for reporting restrictions to be changed, as appropriate.

For further information, to flag up any issues that may affect the physical move of a service user or if a request for information is received direct from a regional COMPASS transition team, you must contact section 4 team in Liverpool (see related link).

Changes being dealt with by the Croydon section 4 bail team

Until recently the Croydon section 4 bail team were only requesting properties in London for applicants to apply for bail as the contract with the property provider was in London.

As a result of COMPASS providers signing the contracts the team are now able to request properties from providers across the regions. This means that an applicant detained in IRC Harmondsworth may be provided a potential address in Scotland, and if released, the detention centre will be required to provide the travel warrant from Harmondsworth to Scotland.

The Croydon section 4 team will try to keep the split as equal as possible across the regions, however it is likely that the London region will receive the fewest requests to source accommodation. Where possible the team will try to keep applicants in the region where they are currently detained (for example, if the applicant is detained in Dungavel they will arrange accommodation with Serco in Scotland). This will not apply to London cases.

Considering cases for section 4 bail accommodation

Releasing time-served offenders on bail who require section 4 support

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>Restricted – do not disclose – start of section</p> <p>The information in this page has been removed as it is restricted for internal Home Office use only.</p>	<p>Links to staff intranet removed</p>
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The information in this page has been removed as it is restricted for internal Home Office use only.

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Restricted – do not disclose – end of section

Considering cases for section 4 bail accommodation

Ending section 4 accommodation

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>This page tells criminal casework case owners about ending section 4 accommodation support.</p> <p>Section 4 accommodation may no longer be required for a variety of reasons including where:</p> <ul style="list-style-type: none">• bail ends – for more details of when bail ends see related link: Criminal casework: Bail• an appeal against refusal to grant accommodation fails• the offender absconds• the offender is redetained• the offender behaves unacceptably or antisocially• the offender fails to adhere to the conditions of the section 4 support• the offender leaves the UK• the offender wins an immigration appeal• leave is granted and the offender can access mainstream benefits. <p>The section 4 team in Liverpool deal with any cases where accommodation provision is no longer necessary. All cases where it appears that accommodation should no longer be granted must be referred to them for further action.</p>	<p>Links to staff intranet removed</p>
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Considering cases for section 4 bail accommodation

Contact

<p>Section 4 applications Consideration for accommodation The accommodation information form Assessing whether section 4 accommodation is necessary Assessing the risk Completing the form Releasing to section 4(1)(c) accommodation Cases dealt with by criminal casework section 4 team in Liverpool Travelling expenses to reporting centres Information about the current accommodation provider Releasing time served offenders on bail who require section 4 support Ending section 4 accommodation</p>	<p>This page explains who to contact for more help with a specific case on section 4 bail accommodation.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email criminal casework operational policy and process team (CCOPP), see related link: Email: CCD process team.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPP, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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Considering cases for section 4 bail accommodation

Information owner

[Section 4 applications](#)
[Consideration for accommodation](#)
[The accommodation information form](#)
[Assessing whether section 4 accommodation is necessary](#)
[Assessing the risk](#)
[Completing the form](#)
[Releasing to section 4\(1\)\(c\) accommodation](#)
[Cases dealt with by criminal casework section 4 team in Liverpool](#)
[Travelling expenses to reporting centres](#)
[Information about the current accommodation provider](#)
[Releasing time served offenders on bail who require section 4 support](#)
[Ending section 4 accommodation](#)

This page tells you about the considering cases for section 4 bail accommodation guidance and who owns it.

Version	3.0
Valid from date	03 December 2013
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	19 December 2012
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	02 December 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the CCOPP, see related link: Email: CCD process team, who will ask the MGT to update the guidance, if appropriate.

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Related links
See also
[Changes to this guidance](#)
[Contact](#)

Links to staff intranet removed